THE SPECIAL TRIBUNALS REGULATION, 1358 F.

No. V of 1358 F.

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TRANSLATION

*THE SPECIAL TRIBUNALS REGULATION, 1358 F.

No. V of 1358 Fasli.

(*Received the assent of H.E.H. the Nizam on 30th day of Azur* 1358 *F.*)

Whereas it is expedient to constitute Special Tribunals it is hereby enacted as follows :—

Short title, commencement and extent.

1. This Regulation may be called the Special Tribunals Regulation and shall come into force from the date of its publication in the Jarida and shall extend to such areas as the Military Governor may, from time to time by an order in writing, direct.

Constitution of Special Tribunals.

2. The Military Governor may, for the whole or any part of H.E.H. the Nizam's Dominions, constitute Special Tribunals consisting of three members appointed by the Military Governor.

Jurisdiction of Special Tribunals.

3. The Military Governor may, by general or special order, direct that a Special Tribunal shall try any offence, whether committed before or after the commencement of this Regulation or any class of offences and may by any such order direct the transfer to a special Tribunal of any particular case from any other Special Tribunal or any other Criminal Court or direct the transfer of any particular case, from a Special Tribunal to any other Criminal Court.

Procedure of Special Tribunals.

4. (1) A Special Tribunal may take cognisance of offences without the accused being committed to it for trial.

†[(1-A) In respect of any trial held before a Special Tribunal—

(*i*) the Special Tribunal may direct that English shall be the language of the Tribunal;

(*ii*) the judgement may be written in the English language.]

(2) In trials before a Special Tribunal it shall not be necessary to take down the evidence at length in writing, but it shall cause a memorandum of the substance of what each witness

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* Published in the 3rd Supplementary Jarida No. 4, dated 31st Azur, 1358 F.

† As amended by Reg. No. LVII of 1358 F. published in the Extraordinary Jarida No. 34, dated 25th July, 1949.

deposes to be taken down in the English language, and such memorandum shall be signed by a member of the Special Tribunal, and shall form part of the record.

†[(2-A) Nothing in sub-section (2) shall preclude a Special Tribunal from directing in respect of any trial that the evidence shall be taken down at length and where such direction is made—

(*i*) the evidence shall either be taken down by one of the Members of the Tribunal in the English language or taken down in shorthand in the English language by a stenographer and transcribed by him;

(*ii*) the evidence so recorded or, as the case may be, transcribed shall form part of the record].

(3) A Special Tribunal shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interest of justice.

(4) A Special Tribunal shall not, merely by reason of a change in its members, be bound to recall and rehear any witness who has given evidence, and it may act on the evidence already recorded by or produced before it.

(5) After an accused person has once appeared before it a Special Tribunal may try him in his absence, if in its opinion, his absence has been brought about by the accused himself for the purpose of impeding the course of justice or the behaviour of the accused in court has been such as in the opinion of the Special Tribunal to impede the course of justice.

*[(5-A)—(*a*) At any stage of a trial under this Regulation, where two or more accused are before a Special Tribunal, if the Special Tribunal is satisfied, for reasons to be recorded, that any one or more of such accused is or are incapable of remaining before the Special Tribunal, the Special Tribunal may, if such accused is represented by a pleader, dispense with his attendance and proceed with such trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused.

(*b*) If the accused in any such case is not represented by a pleader, or if the Special Tribunal considers his personal attendance necessary, the Special Tribunal may, if it thinks fit, and for reasons to be recorded by it, either adjourn such trial, or order that the case of such accused be taken up or tried separately.].

(6) In the event of any difference of opinion among the members of a Special Tribunal, the opinion of the majority shall prevail.

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† As amended by Regulation No. LVII of 1358 F., published in the Extraordinary Jarida No. 34, dated 25th July, 1949.

* As amended by Act No. XXXIII of 1950.

**[(7) A Special Tribunal shall, in all matters in respect to which no procedure has been prescribed by this Regulation, follow the procedure prescribed for summary trials by magistrates; but for reasons to be recorded in writing a Special Tribunal may follow the procedure prescribed for the trial of warrant cases by magistrates].

Exclusion of public from Special Tribunals.

5. In addition and without prejudice to any powers which a Special Tribunal may possess, by virtue of any law for the time being in force, to order the exclusion of the public from any proceedings, if at any stage, in the course of a trial of any person before a Special Tribunal application is made by the prosecution on the ground that the publication of any evidence to be given or of any statement to be made in the course of the trial would be prejudicial to the public safety, that all or any portion of the public shall be excluded during any part of the hearing, the Special Tribunal may make an order to that effect, but the passing of sentence shall, in any case, take place in public.

Powers of Special Tribunals.

6. A Special Tribunal shall have all the powers conferred by the Hyderabad Criminal Procedure Code on a Court of Session exercising original jurisdiction.

Sentence of Special Tribunals.

†[7. (1) A Special Tribunal may pass any sentence authorised by law.

(2) There shall be an appeal to the High Court from any sentence passed by a Special Tribunal which would have been appealable to the High Court under the Hyderabad Criminal Procedure Code if the sentence had been passed by a Court of Session. But notwithstanding the provisions of the Hyderabad Criminal Procedure Code or of any other law for the time being in force or of anything having the force of law by whatsoever authority made or done, there shall, save as hereinbefore provided, be no appeal from any order or sentence passed by a Special Tribunal, and no court shall have authority to revise such order or sentence, or to transfer any case from a Special Tribunal or have any jurisdiction of any kind in respect of any proceedings before a Special Tribunal and no sentence of a Special Tribunal shall be *[subject to or submitted for confirmation by any authority whatsoever.

(2-A) For the purpose of the provision in sub-section (2) that no sentence of a Special Tribunal shall be subject to or submitted for confirmation by any authority whatsoever the following sentences, shall, notwithstanding anything contained in any other law for the time being in force, be deemed to be sentences of a Special Tribunal, namely—

** As amended by Regulation No. LIII of 1358 Fasli published in the Extraordinary Jarida No. 31, dated 11th Shehrewar, 1358 Fasli.

† As amended by Regulation No. XXXVI of 1358 F. published in the Jarida Extraordinary No. 23, dated 24-8-1358 F.

* As amended by Regulation No. IV of 1359 Fasli, published in Jarida No. 6, dated 30th Azur, 1359 F.

(*i*) any sentence passed by a Special Tribunal from which no appeal is preferred to the High Court under sub-section (2);

(*ii*) any sentence passed by a Special Tribunal and maintained by the High Court on an appeal so preferred ;

(*iii*) any sentence passed by the High Court on an appeal so preferred in substitution for a sentence passed by a Special Tribunal.

(2-B) Notwithstanding anything contained in any law for the time being in force—

(*i*) any sentence of death passed by a Special Tribunal shall be carried into execution by causing the person sentenced to be hanged by the neck until he be dead ;

(*ii*) warrants of commitments under sentence of death, warrants of execution of a sentence of death and any other instruments issued by a Special Tribunal for which a form is provided in Schedule IV to the Hyderabad Criminal Procedure Code shall, subject to any directions which may be made by Government in this behalf, be issued in such form as the Special Tribunal thinks fit].

*(3) The Military Governor may on such conditions, if any, as he thinks fit, suspend, remit, reduce or alter the nature of, any sentence passed by a Special Tribunal, or any sentence substituted by the High Court on an appeal under sub section (2) for any sentence so passed] :

Provided that the Military Governor shall not alter the nature of such sentence in such manner as to enhance the same.

Exercise and discharge of the Military Governor's powers and duties.

8. The Military Governor may, by order, direct that in such circumstances and under such conditions, if any, as may be specified in the direction, any power or duty conferred or imposed upon him by this Regulation may be exercised or discharged by any other authority.

Interpretation.

9. The Hyderabad General Clauses Act shall apply to the interpretation of this Regulation.

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* Amended by Regulation No. XXXVI of 1358 F.